



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 1214-00
4 January 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 January 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reported for three years of active duty on 19 December 1994. The available records show that you served without incident until 17 December 1997. On that date you received nonjudicial punishment for an unspecified offense. The punishment imposed was a reduction in rate from AOAN (E-3) to AOAA (E-2).

The performance evaluation for the period 16 July to 17 December 1997 shows that you were assigned an adverse mark of 1.0 in the category of military bearing/character and you were not recommended for advancement or retention in the Navy. The evaluation comments state, in part, as follows:

... Lack of responsibility has resulted in significant and unresolved financial difficulties. Despite the command's effort in personal financial management and budget analysis, his mismanagement of his personal checking account and non-essential expenditures has set a heavy burden on himself, his family and this command. Specifically over 35 personal checks were returned to this command for insufficient funds. Additionally,

(he) received additional counseling sessions concerning incomplete pre-operational checks of ground support equipment and lack of in-rate studying during working hours.

You were released from active duty on 18 December 1997 in the rate of AOAA with your service characterized as honorable. At that time, you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

The Board concluded that the nonjudicial punishment and adverse performance evaluation only one day before your release from active duty were sufficient to support the assignment of the RE-4 reenlistment code. In addition, regulations require the assignment of an RE-4 reenlistment code to individuals who do not meet professional growth criteria, specifically, they are serving in pay grade E-2 at the time of their release from active duty.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director